

### **REMARKS**

The Non-final Office Action mailed March 17, 2009 (hereinafter, "Office Action") has been reviewed and the Examiner's comments considered. Claims 1-5, 9-14, 16-20, 22, and 23 are pending in this application.

### **Double Patenting**

Claims 1-5, 9-14, 16-20, 22, and 23 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of USPN 7,153,276; over claims 1-10 of USPN 6,786,875; over claims 16-28 of USPN 6,398,743; and over claims 1-2 of USPN 7,097,633. Claims 1-5, 9-14, 16-20, 22, and 23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-7 and 9 of copending Application Serial No. 11/468,243.

The Office Action alleges that although the conflicting claims are not identical, application claims 1-5, 9-14, 16-20, 22, and 23 are not patentably distinct from the indicated patented claims because the application claims are either more broader recite the same retraction mechanism (USPN 7,153,276; USPN 6,786,875; and USPN 6,398,743;) or recite substantially the same retraction mechanism (USPN 7,097,633 and Application Serial No. 11/468,243). In the interest of compact prosecution, but without conceding the propriety of the rejections, Applicants attach terminal disclaimers to overcome the double-patenting rejections with respect to: USPN 6,398,743; USPN 6,786,875; USPN 7,097,633 USPN 7,153,276; and U.S. Patent Application No. 11/468,243.

### **Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

It is noted that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between the cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein should not be construed to prejudice or foreclose future consideration by Applicants of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner and/or the merits of additional or alternative arguments.

In the event that the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-2191**, under Order No. 101673.0014P2. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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